

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

T.R. and ERICA SMITH,

Plaintiffs,

vs.

FEDERAL WAY SCHOOL DISTRICT and  
VALLEY CITIES COUNSELING and  
CONSULTATION,

Defendants,

NO: CV06-01541-RSL

DECLARATION OF CARLA CURIO  
IN SUPPORT OF DEFENDANT  
VALLEY CITIES COUNSELING &  
CONSULTATION'S MOTION FOR  
SUMMARY JUDGMENT  
PURSUANT TO FRCP 56

I, Carla Curio, declare under penalty of perjury of the laws of the State of Washington as follows:

1. I am over 18 years of age, am competent to testify and make this declaration based on personal knowledge.
2. I am a therapist for Valley Cities Counseling and Consultation and in that capacity provided professional services to the plaintiff TR.
3. In providing therapy for TR during a portion of the 2005-2006 school year I traveled to Mirror Lake Elementary School in the Federal Way School District

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1 and picked up TR and transported him from the school to Valley Cities' offices  
2 for therapy, often then transporting TR from Valley Cities' offices to his home  
3 or the home of a relative.

4 4. Understanding that there was a revocation of a release of information by TR's  
5 mother, Erica Smith to the Mirror Lake Elementary School/Federal Way School  
6 District, I did not disclose any protected health information concerning TR  
7 following my notice of the revocation.

8 5. In picking up TR at the Mirror Lake Elementary School I necessarily had  
9 contact with Mirror Lake Elementary/Federal Way School District employees.  
10 This contact was limited to cordial, courteous and professional exchanges and  
11 did not involve the disclosure of protected health information.

12 6. Mirror Lake Elementary School/Federal Way School District employees knew I  
13 was affiliated with Valley Cities Counseling given the fact that I had previously  
14 provided therapy services at the school itself for TR and continued to come to  
15 the school to pick up TR once those services were provided in Valley Cities'  
16 offices.

17 7. In the course of picking up TR at the Mirror Lake Elementary school, I would  
18 sometimes exchange pleasantries or greetings with Mirror Lake Elementary  
19 School teacher Christie Galinat. On occasion, Ms. Galinat would in a cheerful  
20 and praiseworthy way say in TR's presence and in my presence something like  
21 "Trevon's had a real good day," to which I would respond in a similarly cordial  
22 and pleasant way "That's great," or "Yeah- he's really doing great." This type  
23 of remark by me and by Ms. Galinat was in no way a disclosure of protected  
24 health information regarding therapy being provided to TR nor a disclosure of  
25 specific information regarding educational information but was simply two

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adults in the presence of a child saying positive uplifting remarks to the effect that another human being, in this case a child was "doing good," or "doing well."

8. Also, when picking up T.R. he would sometimes ask if his Mom would be there, referring to Valley Cities and in the same affirming, positive way I would say "Yeah," or "Yes she's going to be there." Similarly, under the same circumstances TR might ask if we were going to play games and in the same, positive affirming way I would respond where applicable, "yes." Again, I did not in anyway consider these simple remarks by me in response to T.R.'s questions to be in anyway a disclosure of protected health information.

9. Sometime in February or March of 2006, Ms. Galinat provided me as one professional to another some generic materials she used involving the resolution of conflict for elementary school students. These materials were not provided by Ms. Galinat for T.R. but were given in the spirit of one professional sharing with another professional material of general interest for those professionals who interact with children as did both Galiant and myself.

10. At all times in my interaction with T.R. and any personnel at Mirror Lake Elementary School/Federal Way School District, I acted in a professional and appropriate manner and at no time following Ms. Smith's written revocation of the exchange of protected health information with the school district, did I disclose any protected health information. I am aware of no other comments or remarks that I made to any school personnel following the written revocation, other than those I have referenced and discussed in this declaration, none of which constituted the disclosure of protected health information.

1  
2 Dated: June 6/28, 2007.

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4 Carla Curio, signed in King County, Seattle,  
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**CERTIFICATE OF SERVICE**

I, Gabrielle Gilchrist, hereby certify that, under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I electronically filed the defendant Valley City Counseling and Consultations' DECLARATION OF CARLA CURIO with the Clerk of the Court using the CM/ECF System which will send notification of such filing, as well as delivery via regular mail of the foregoing documents to counsel as follows:

**Counsel for Plaintiffs:**

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Dated: Gig Harbor, Washington June 28, 2007.



Gabrielle Gilchrist  
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